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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/699,777	11/04/2003	Takashi Kitahara	283579/01 DIV	5906
21254	7590	12/14/2004	EXAMINER	
MCGINN & GIBB, PLLC 8321 OLD COURTHOUSE ROAD SUITE 200 VIENNA, VA 22182-3817			WELLS, KENNETH B	
			ART UNIT	PAPER NUMBER
			2816	

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/699,777

Applicant(s)

KITAHARA, TAKASHI

Examiner

Kenneth B. Wells

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[Signature]

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 October 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-21 is/are allowed.
- 6) ☒ Claim(s) 11, 12, 14 and 22-28 is/are rejected.
- 7) ☒ Claim(s) 13 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☒ Certified copies of the priority documents have been received in Application No. 10/242,415.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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1. The amendment filed on 10/20/04 has been received and entered in the case. As requested by applicant, acknowledgement is hereby made by the examiner of receipt of formal drawings on 11/4/03 which are acceptable, and also receipt of applicant's foreign priority document filed in parent case 10/242,415.

2. Applicant's arguments set forth in the 10/20/04 response are found to be persuasive and thus the rejections based on Liu are now withdrawn. However, in view of newly discovered prior art, new rejections are now set forth. Any inconvenience caused by the delay in citing this new prior art is regretted.

3. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

4. Claims 11, 12 and 22-28 are rejected under 35 U.S.C. 102(e) as being anticipated by Uemura et al.

As to claims 11, 22 and 23, note Figs. 1, 4 and 5, where the recited "main clock" reads on the external clock 11; the recited "sub clock" reads on the internal clock signal, i.e., the clock output of ring oscillator 51 (it is disclosed as having a frequency lower than that of clock 11, see column 9, lines 63-67); the recited "microcomputer" (or "data processor")

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of the claims reads on circuitry 12; the recited initializing of the microcomputer occurs via the outputting of the internal reset signal from AND gate 30 (see column 4, lines 33-35); the recited "specific time period" reads on the time period starting when it is detected that the external clock 11 has stopped; and the recited switching over from the stopped external clock 11 to the internal clock occurs in response to the output of Schmitt trigger 43 (this output reads on the recited "switch signal").

As to claims 12, 27 and 28, see Fig. 5 which shows the pulse output of the internal clock (i.e., output from ring oscillator 51) occurring immediately after the detection of the external clock stopping (signal at node D). Also note in Fig. 4 that CPU 45 (which controls the timing of the internal reset signal) operates in synchronization with the clock output from the ring oscillator 51 via the clock signal at node D.

As to claim 24, note column 8, lines 44-55 of Uemura et al.

As to claim 25, the recited "second flag" reads on the "L" output at node D (see column 8, line 53).

As to claim 26, the confirmation of the clock signal 11 resuming and not performing the clock switchover is determined in Uemura et al by the state of the signal at node D, i.e., the control input of MUX circuit 52 in Fig. 4 (determines whether

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external clock 11 or ring oscillator 51 output is supplied as the system clock).

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Uemura et al.

Though not disclosed, it would have been obvious to those having ordinary skill in the art that if both clocks fail (i.e., clock signal 11 and the internal clock provided by ring oscillator 51), it is necessary to completely stop the system using the well-known technique of issuing a flag control signal (needed to prevent system crash). Thus, because the skilled artisan will easily recognize the need for this, claim 14 does not define patentably over Uemura et al.

6. Claims 15-21 are allowed.

Claim 13 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


7. In view of the above-noted new grounds of rejection not necessitated by applicant's amendments, this action is non-final.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kenneth B. Wells whose telephone number is (571)272-1757. The examiner can normally be reached on Monday through Friday from 8:30am to 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Timothy P. Callahan, can be reached at (571)272-1740. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Kenneth B. Wells
Primary Examiner
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December 10, 2004